

IN THE DRAWING

Corresponding Annotated and Replacement Sheets follow to correct reference character 33 to 32 in Fig. 9 in correspondence with amendment of the specification above.

REMARKS

The objection under 35 USC 132 and rejection under 35 USC 112, first paragraph, is traversed, not by deletions, but by further amendments emphasizing the disclosures of the original specification and drawing.

It is true that the cross-sectional views (e.g., Fig. 7) that show extrusion apparatus for making a pipe do not show the full circumference of the apparatus or pipe that it makes. However, a pipe is a circumferentially complete structure and, therefore, the circumferential completion of the apparatus and resulting pipe is fairly disclosed.

It can be seen in Fig. 7 that the insulating layer 32b is in continual segments along the pipe, but no gap between the segments is shown. The insulating layer 32b is, therefore, continual.

No longitudinal gap or, even, continual segmenting is shown in Fig. 7 for insulating layers 32a, 32c which, therefore, appear continuous.

It is true that, in the absence of a full circumferential showing of electrode covered pipe, a vivid imagination could conjure up a radial hole through a back portion of the pipe and its electrode layer that is not shown, just a vivid imaginations could conjure up life on the back side of the moon. Such imaginations are, however, not supported in that case or this.

Unsupported speculation ... can form no basis for rejecting claim In re Glass, 176 USPQ 529, 532 (CCPA 1973).

Such speculation is quashed by Fig. 9. Fig. 9 specifically shows a continuous electrode layer 32. There are no longitudinal gaps between the aluminium strips wound around the pipe and the upstanding portion of the strip 32 (at the reference character) shows that there would be no radial holes through a back portion of the strip about the pipe, either.

Conclusively, therefore, the electrode layers are disclosed in the original specification and drawing as continuous as now more clearly described without new matter.

The rejection of claim 1 under 35 USC 102 for anticipation by the cited Nishino patent relies on the speculation that the plastic adhesive layer 13 of the patent is electrically insulating, as claimed, but there is no disclosure in the patent that it is and the references supporting traversal on this basis supplied with the Response of January 6, 2005, show that such speculation is unsupported.

Unsupported speculation as to the qualities of that apparatus can form no basis for rejecting claim In re Glass, 176 USPQ 529, 532 (CCPA 1973).

The rejection of claim 1 under 35 USC 103 for obviousness from the cited Brown and Schmidt patents is traversed by the continuous electrode layers claimed. Neither patent discloses this (see particularly column 10, lines 10-14, of Schmidt) and, therefore, the claims as a whole cannot be obvious from a combination of patents that neither disclose nor suggest an element of the whole claim.

The same traversal applies to the rejection of claim 5 under 35 USC 103 for obviousness from the Schmidt and Thomas patents. The Schmidt patent discloses a solid cable and not a hollow pipe structure. It is unsupported speculation that Schmidt teaches a hollow pipe that just happens to be filled solidly; there is no suggestion in the patent that it should be hollow, as claimed.

Unsupported speculation as to the qualities of that apparatus can form no basis for rejecting claim In re Glass, 176 USPQ 529, 532 (CCPA 1973).

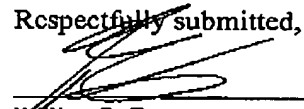
That the Thomas patent discloses that it is old and well known to foam plastic materials "if certain properties are desired" is insufficient without to complete a rejection from Schmidt

because only the application teaches what certain properties are desired as claimed.

To imbue one of ordinary skill in the art with knowledge of the invention in suit, when no prior art reference or references of record convey or suggest that knowledge, is to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher. W.L. Gore & Associates, Inc. v Garlock, Inc., 220 USPQ 303, 313 (Fed. Cir. 1983).

Reconsideration and allowance are, therefore, requested.

Respectfully submitted,



William R. Evans
c/o Ladas & Parry LLP
26 West 61st Street
New York, New York 10023
Reg. No. 25858
Tel. No. (212) 708-1930

Annotated Sheet

U 011573-2

